

07-06-01  
HOLLANDER LAW FIRM, P.L.C.

INTELLECTUAL PROPERTY LAW

SUITE 305

10300 EATON PLACE  
FAIRFAX, VIRGINIA 22030

TELEPHONE: 703-383-4800  
FAX: 703-383-4804  
EMAIL: hollander.law@prodigy.net

IRINA S. ZEMEL (D.C., MD and NJ bars only)



JUL 05 2001  
HARRY I. HOLLANDER +  
ALSO ADMITTED IN D.C.



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Date JULY 5, 2001 Label No. EK 265 208 994 US

I hereby certify that, on the date indicated above, I deposited this paper and accompanying papers and fee with the U. S. Postal Service and that it was addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231, by "Express Mail Post Office To Addressee" service.

PHYLLIS D. CALDWELL  
Name (Print)

Phyllis D Caldwell  
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: NZK-128-1  
Prior Application: 09/333,521  
Prior Art Unit: 1648  
Prior Examiner: Winkler, U.

Assistant Commissioner For Patents  
Washington, DC 20231

Sir:

This is a request for filing the enclosed divisional application under 37 C.F.R. Section 1.53(b), of pending prior application Serial No. 09/333,521, filed on June 15, 1999, in the name of Yoichi FUJII et al. for NEF-ATTACHABLE PROTEIN, DNA ENCODING THE PROTEIN AND A MONOCLONAL ANTIBODY AGAINST SAID PROTEIN. The enclosed divisional application includes 19 pages of specification, 4 pages of claims, 1 page of abstract, and one (1) sheet of corrected formal drawings as filed in parent application Serial No. 09/333,521, filed June 15, 1999. Also enclosed are three (3) pages of a paper copy of the compliant Sequence Listing filed via certificate of

Y. FUJII et al.  
Rule 1.53 Divisional of 09/333,521  
NZK-128-1

mailing on December 20, 1999 with a Preliminary Amendment and Compliance With Sequence Rules 1.821-1.825 in parent application Serial No. 09/333,521. Please see the request to use the compliant "Sequence Listing", at page 3, below. Further, enclosed is a copy of the executed Declaration from the prior application.

This transmittal letter is submitted in triplicate.

Before calculating the filing fee, please cancel claims: 4-8

A Preliminary Amendment is enclosed.

An Information Disclosure Statement is being filed concurrently herewith.

The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS

CANCELLED BY AMENDMENT ABOVE

|   |                  |
|---|------------------|
| Basic filing fee .....                          | \$ 710.00        |
| Total extra claims ( 3 ) x \$18.00 .....        | \$ 54.00         |
| Independent claims over 3 = ( ) x \$80.00 ..... | \$ <u>0</u>      |
| TOTAL.....                                      | <u>\$ 764.00</u> |

Attached is our check in the amount of \$764.00 to cover the filing fee.

If any discrepancies in the calculated fee, the Commissioner is hereby authorized to charge any and all fees which may be required, or credit any overpayment to our Deposit Account No. 501032. A duplicate copy of this sheet is enclosed.

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As requested by preliminary amendment, amend the specification on page 1 by inserting prior to "BACKGROUND OF THE INVENTION" the sentence: --This is a divisional of application serial no. 09/333,521 filed June 15, 1999, which claims priority of Japanese application 185,708/1998 filed June 15, 1998.--

It is hereby requested that the compliant computer readable "Sequence Listing" filed via certificate of mailing December 20, 1999, by Preliminary Amendment and Compliance With Sequence Rules 37 C.F.R. 1.821-1.825 and already on file in parent application serial no. 09/333,521 filed June 15, 1999, be used in the above-identified divisional application. The paper copy of the "Sequence Listing" filed herewith is identical to the computer readable copy filed with the Preliminary Amendment and Compliance With Sequence Rules 37 C.F.R. 1.821-1.825, filed December 20, 1999 via certificate of mailing, in parent application serial no. 09/333,521.

Filed concurrently herewith is a Letter Regarding Sequence Listing in Parent Application Serial No. 09/333,521 Under 37 C.F.R. §1.821(e) which refers to the parent application Serial No. 09/333,521 and identifies the compliant computer readable sequence listing filed in the parent application Serial No. 09/333,521.

The parent application is assigned to Nippon Zoki Pharmaceutical Co., Ltd. by virtue of an assignment recorded at Reel 010203, Frame 0313, on August 31, 1999.

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The Power of Attorney in the prior application is to: Barry I. Hollander, Reg. No. 28,566.

The power of attorney in the original papers appears in the parent application, Serial No. 09/333,521, filed June 15, 1999.

Address all further communications and direct all telephone calls to: Barry I. Hollander, Esq., Hollander Law Firm, P.L.C., 10300 Eaton Place, Suite 305, Fairfax, Virginia 22030, Telephone: 703-383-4800; Facsimile: 703-383-4804.

The entire disclosure of the prior application no. 09/333,521, filed June 15, 1999, from which a copy of the oath or declaration is supplied, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference herein.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barry I. Hollander".

Barry I. Hollander  
Registration No. 28,566

Hollander Law Firm, P.L.C.  
Suite 305, 10300 Eaton Place  
Fairfax, Virginia 22030  
(703) 383-4800

Enclosures

Date: July 5, 2001



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



Applicants : Yoichi FUJII et al.

Serial No. : Rule 1.53 Divisional  
Application of : Prior Group Art Unit: 1648  
USSN 09/333,521

Filed : Concurrently Herewith Prior Examiner: U. Winkler

For : NEF-ATTACHABLE PROTEIN, DNA ENCODING THE  
PROTEIN AND A MONOCLONAL ANTIBODY  
AGAINST SAID PROTEIN

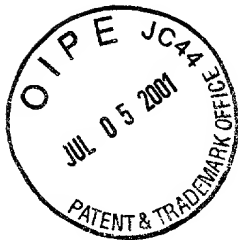
**LETTER REGARDING SEQUENCE LISTING**  
**IN PARENT APPLICATION SERIAL NO. 09/333,521**  
**UNDER 37 C.F.R. §1.821(e)**

Assistant Commissioner For Patents  
Washington, DC 20231

Sir:

The sequence listing in the above-identified divisional application is identical to the corrected sequence listing filed by Preliminary Amendment and Compliance with Sequence Rules 37 C.F.R. 1.821-1.825, filed December 20, 1999 via certificate of mailing in parent application serial no. 09/333,521, filed June 15, 1999. The computer readable form of the sequence listing in parent application serial no. 09/333,521 is identified as follows:

Yoichi FUJII et al. - Rule 1.53 Divisional Application of Serial No. 09/333,521  
Letter Regarding Sequence Listing in Parent Application  
Serial No. 09/333,521 Under 37 C.F.R. §1.821(e)



FUJII, Yoichi, et al.  
Nef-Attachable, protein, DNA Encoding The Protein  
And A Monoclonal Antibody Against Said Protein  
12/16/99 (Date Data Recorded)  
MS DOS Patentin Version 2.1  
NZK-128  
USSN 09/333,521  
Filed 6/15/99

Applicants request that said compliant computer readable sequence listing that is on file in said parent application no. 09/333,521 be used in the present divisional application. The sequence listing information recorded in computer readable form is identical to the written sequence listing in the divisional application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barry I. Hollander".

Barry I. Hollander  
Reg. No. 28,566

Hollander Law Firm, P.L.C.  
Suite 305, 10300 Eaton Place  
Fairfax, Virginia 22030  
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July 5, 2001